

Stevens (J. M.)

## THE "ESSENTIALS" OF A LAW TO REGULATE THE PRACTICE OF MEDICINE IN INDIANA.

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At the session of the Indiana State Medical Society, May, 1878, the writer introduced a resolution, which was adopted by the society, looking to the appointment of a committee to draft a bill to regulate the practice of medicine in Indiana. That committee was formed and a draft of a bill for the regulation of the practice of medicine has been before each session of the General Assembly since that time. The object remains unaccomplished, but the resolution of those who are earnestly in favor of having some step taken in this direction remains unbroken, and we consider that in a short time a good law will be enacted. The committee† appointed by the last Indiana State Medical Society meeting to draft a bill relative to this subject will soon meet to consider it, and for the purpose of having our minds refreshed upon certain points I offer the following thoughts and suggestions to this society:

1. The term "regulate the practice of medicine" is variously applied by different individuals. To some the term means having a diploma; many of them concede that such diploma should be issued by a reputable medical college; and many consider that the true test of the reputability of a medical college is whether it is a member and has received the sanction of that self-constituted body named the Medical College Association. We have nothing to say as to such a body or organization, at least no adverse criticism to offer, but as we consider the premises upon which the term to "regulate the practice" is based as false, so we regard the conclusion erroneous. Other physicians, again, consider that the proper application of the term "regulate the practice" to be the decapitation of all present incompetent practitioners, while the future accessions to the ranks are to be "sifted" by a rigid examination as to their literary and general scientific knowledge as well as their proficiency in the various branches of the science and art of medicine.

2. Still another class as honest as the last regard it as sufficient "regulation of the practice" that free competition should be the "fan" that should separate the "wheat from the chaff," and regards success in gaining and holding a practice as the true test of capability and worth—regarding education as good, no doubt, but "horse-sense" and business tact as paramount to all else, not only as a mark of quality but also as being to the true interest of the sick.

That there is truth in the views of all these classes we have no doubt. We think that while all such different views may be, under various circumstances and surroundings, true and practicable, still we believe that each class contains points that are at the present time and in this State impracticable, impolitic, and unsound. Let us see if we can not formulate any thing better or at least more applicable to the situation. Class 1 wishes each person who enters the practice hereafter to possess a *diploma*. Let us adopt *that* idea. Class 2 desires a free competition—no prescribed rules to govern. Such we find the profession in Indiana today. There are no rules or laws governing the admission of any one to the ranks. Each has a chance, and either intrinsic worth, persistency, or luck is relied upon for success. Let us permit it to remain so with those *already engaged* in the *practice*. We are and have been under the same rules. Those who are *now* engaged in the practice have entered at the wide-open door; they have broken no law. Shall we now make the law retrospective and punish for what was done in ignorance? Let us adopt *this idea* of free competition as regards *all* who are *now* in practice as physicians or accoucheurs. Many are disposed to adopt this rule with all who have been in practice for five or ten years, while those who have practiced for a shorter period must be examined. Is there any justice in this? We think not. Both may be equally learned or ignorant; therefore both should either be examined or permitted to escape. The true

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†The committee appointed by the State Medical Society is as follows: Thad. M. Stevens, Indianapolis; George Sutton, Aurora; William Lomax, Marion, Grant Co.; J. W. Compton, Evansville; J. L. Wooden, Greensburg.



principle being that *all*, whether in practice for a greater or less length of time, are *equally ignorant* of any breach of law; if the liberty of *one* is touched that of *all* must be affected. No other rule is just, therefore no other rule will hold.

Class 3 desires a *rigid examination*, especially of those entering hereafter, both as to preliminary qualification before commencing the study and of proficiency in the various branches of medical study. This is what *ought* to be. All should be *wise*, as all should be *good*; but the question might be asked, "What is wisdom?" (in this relationship), as well as "What is the good?" But if a true standard could be found by which we could be safely guided, then comes another question, "Is it practical at this time in this State?" We trust we are not faint-hearted or fearful of undertaking a campaign simply because it is *difficult*; but one may maneuver—taking time and circumstances into consideration—and accomplish a better end than if he stormed at the frowning battlement or sought to chain the raging sea.

Suppose we specify the following principles on which a law to "regulate the practice in Indiana" might be based.

1. That up to the time the law shall be in force all persons who practice as physicians or accoucheurs are to be left, as they are now, free to practice or not, as they are inclined, without an examination or other restriction.

2. That *after* the law is in force it shall provide that none enter the practice as physician or accoucheur unless he or she shall possess a diploma from a reputable medical college, the reputability of such college to be determined as hereafter mentioned, and that they shall also possess a certificate showing a satisfactory examination before a board of examiners.

3. There shall be a separate board of examiners for each "school" of medicine that has an organized State association, and that shall have within the State of Indiana at least one college teaching the doctrine held by such "school" of medicine.

4. The reputability of any medical college within or out of the State that issues a diploma, which is held by the applicant for examination shall be shown to the satisfaction of the board of examiners before whom the applicant shall appear for such examination.

These are the essential points. All else are "trimmings" or "leather and prunella."

In a bill for such a law these principles

should be shortly and plainly set forth, together with the proper penalties for neglect or refusal to comply with the requirements thereof. A form for a certificate to be issued by the board of examiners to each applicant having a diploma passing a successful examination should be given. This and nothing more, unless it be thought advisable to divide the State into districts, and, for convenience to the profession and applicants, have a board of examiners for each "school" in each of such districts. Not more than two additional sections would be needed for this last object.

As to this last plan—viz. having the State divided into several districts—we confess to being favorably impressed with it:

*First.* The various boards would have better supervision of the few seeking to settle in their district than *one* board for the State would have over all seeking to practice within her bounds.

*Second.* It would be more *convenient* both for the boards and for the applicant; for in the case of *one* board for the whole State (for each "school") either the applicant would have to transport himself to such board or the latter to the applicant. This might be in many cases disagreeable. We hold that each "school" of medicine should not only have the privilege of passing on the qualifications of applicants for admission to practice according to the teaching of such "school," but insist that the responsibility of admitting such applicant should be assumed by each "school" separately.

Let us look at the objections to several such boards.

1. That if there is a board for each "school," and one such in each of seven or nine districts of the State, it appears upon paper as though such boards were too numerous for the number of the profession.

In viewing this objection we must remember, however, that the plan of having numerous boards organized—such as commissioners for each county, trustees for each township, etc. throughout the State—prevails at present and is regarded as essential, a central State organization being inadequate to properly manage affairs in the various sections of the State. With such a precedent well supported and sustained by experience we can see no force in the objection named as to seven or nine boards of examiners.

The intelligent medical profession of Indiana, without regard to "schools" or "issues," must continue in their efforts to properly "regulate the practice" by legal enactments.



Free competition will be a failure. With the first qualification for entries into the arena should be the degree of knowledge and proficiency satisfactory in some degree at least to the quick perception of the competitor of the applicant. It is not needed at the present time or in this State that a collegiate or classical education should be made the qualification needed, but each should certainly possess a fair quantity of knowledge of the fundamental branches embraced in the term "English education," and also that they should be satisfactorily qualified in the elements of medical science. That the possession of a *diploma* from a medical college is not in many cases a true test of qualification can not with success be disputed. We shall not discuss that point here, only observing that while we consider the possession of such diploma absolutely necessary, we regard it containing not *more* than *prima facie* evidence, such as can be and often is easily controverted, and such as *should* be in all cases confirmed by an examination conducted by a board of intelligent physicians, none of whom have any connection with a medical college.

In Illinois and some other States the State board of health was constituted the board of examiners for those desiring to enter the profession, and we notice that Ohio has a proposed bill for a law creating a State board of health, who shall be the board to examine applicants for like purpose. We have labored for years to have a State Board of Health organized in Indiana, and have succeeded. We have also labored to have a proper board or boards to examine applicants for admis-

sion to the practice of medicine, and hope and expect to see the work accomplished; but from the first we consider it improper to have the *health board and the examining board* mixed the one with the other. The one has the supervision of the *lives and health* of the people of the State in the matter of *preventing disease*; the other, the supervision of such *life and health* in the matter of *relieving and returning*, if possible, to a *healthy standard* those already afflicted. While the two objects seem to be, and in one respect are, clearly connected, still the work is great enough and dissimilar enough to employ and demand the attention of different corps of men, and their efforts should not be hampered or embarrassed by having the two objects mixed.

The medical profession of Indiana have started right. They have been successful in their efforts to have the machinery put in motion to *prevent* disease. The same energy and perseverance which have brought success in this particular will bring success as fully and effectually in "*regulating the practice*." When that object is gained we shall have one more grand and crowning effort to make, viz. in endeavoring to have *proper means of accommodation provided for reception and treatment of all who, when sick, wish, either from choice or necessity, to take advantage of the privilege offered*. Indiana is rapidly climbing to the apex of medical eminence. When the three objects spoken of in this paper are properly and successfully attained she will have come as near the summit as any of her sister States.

INDIANAPOLIS.

